

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington St., Suite 301
Indianapolis, IN 46204
(317) 233-0696
iga.in.gov

FISCAL IMPACT STATEMENT

LS 7000

BILL NUMBER: HB 1261

NOTE PREPARED: Jan 2, 2022

BILL AMENDED:

SUBJECT: Consumer Privacy.

FIRST AUTHOR: Rep. Hamilton

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- (1) Requires businesses to disclose certain information to consumers.
- (2) Outlines different requests a consumer may make with businesses regarding the consumer's personal information.
- (3) Assigns enforcement of consumer privacy law to the Indiana Division of Consumer Protection.
- (4) Exempts certain government entities and certain types of information.
- (5) Provides certain business exceptions.

Effective Date: July 1, 2022.

Explanation of State Expenditures: This bill could increase the workload of the Attorney General Consumer Protection Division to enforce provisions of the bill. The bill's requirements represent an additional workload [and/or expenditure] on the agency outside of the agency's routine administrative functions, and existing staffing and resource levels, if currently being used to capacity, may be insufficient for full implementation. The additional funds and resources required could be supplied through existing staff and resources currently being used in another program or with new appropriations. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend on legislative and administrative actions.

Explanation of State Revenues: *Summary* - The bill could increase civil court cases to the extent the Attorney General enforces provisions of the bill. As a result, the General Fund could receive additional revenue from civil court case filings.

Additional Information - If the Attorney General files a civil action against a non-governmental party and prevails, court fees may be collected from the defendant [IC 33-37-3-1]. Additional court fees will increase revenue to the state General Fund.

A civil costs fee of \$100 could be assessed from the defendant, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

In addition, some or all of the judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. The proceeds from the automated record keeping fee (\$20) are deposited into the State User Fee Fund.

Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures:

Explanation of Local Revenues: *Summary* - The bill could increase local revenue received from civil court fees. Total increases in local revenue are indeterminable but expected to be small.

Additional Information - If additional civil actions occur, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge, depending upon the particular type of case.

Persons filing a civil case are also required to pay the following fees that are deposited in local funds.

The document storage fee (\$5) is deposited into the clerk record perpetuation fund.

The following fees are deposited into the general fund of the county in which the court is located:

- (1) Document fees (\$1 per page) are charged for preparing transcripts or copies of record or certificate under seal.
- (2) A civil garnishee defendant service fee (\$10) is collected from the filing party for each defendant beyond the first three garnishee defendants cited in the lawsuit.

State Agencies Affected: Attorney General Consumer Protection Division.

Local Agencies Affected: Trial courts, city and town courts.

Information Sources:

Fiscal Analyst: Bill Brumbach, 317-232-9559.